

West Hartford Town Council Meeting

Tuesday, September 24, 2019

Generated by Cindy A Porrini on Wednesday, September 25, 2019

Members present

Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams, Zoning Alternate Kate Farrar

Meeting called to order at 7:30 PM

1. Meeting Opening

A. Call to Order 7:30 pm

B. Pledge of Allegiance

C. Roll Call **ALL PRESENT, ZONING ALTERNATE KATE FARRAR ALSO PRESENT.**

2. Approval of Minutes

A. Town Council Minutes 09-10-2019

APPROVED

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

3. Public Forum NO ONE SPOKE

4. Consideration of Consent Calendar

ITEMS MOVED 11A & 11B

5. Unfinished Business

A. Application of West Hartford Fellowship Housing, lessees of 10 -60 Starkel Road, to amend SDD #87 to permit the redevelopment of the existing 213 unit affordable housing complex. The proposed redevelopment contemplates the demolition of all of the existing buildings, except for the building at 60 Starkel Road, and the construction of six new residential buildings, a new maintenance building, renovations to the 60 Starkel Road building, and associated parking facilities, site lighting, landscaping, recreational, pedestrian and site improvements. A total of 300 age-restricted and accessible units, and a requested waiver of the required fees pursuant to Section 177-50M, were approved.

(This agenda item will be the subject of a continued public hearing and may not be addressed during Public Forum pursuant to Town Council Rules) (1279)

APPROVED AMENDED WITH CONDITIONS, 9-0

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams, Zoning Alternate Kate Farrar
Councilor Davidoff recused himself from this vote

**10 & 60 STARKEL ROAD
SPECIAL DEVELOPMENT DISTRICT #87
CONDITIONS OF APPROVAL**

1. APPROVAL OF APPLICATION

The Town Council hereby finds that the proposed plan, as approved, will be:

- a. In harmony with the overall objective of the Comprehensive Plan, as defined in Article I of this chapter.
- b. Superior to a plan possible under the regular standards of the Town's zoning ordinances.
- c. In harmony with the actual or permitted development of adjacent properties.

The application is hereby approved, subject, however, to the "Conditions of Approval" set forth below.

2. CONDITIONS OF APPROVAL

A. Official Plans

Implicit in the approval of the Special Development District is the condition that the premises shall be used only in accordance with the official application materials, plans and associated exhibits related to the application as supplemented or modified by any amended plans and documents or representations submitted during the public hearing process. Any other use shall require the express approval of the Town Council in accordance with the Zoning Ordinances of the Town of West Hartford.

B. Premises Contact

The Applicant shall provide the Town Planner, from time to time, as necessary, with the name (or title) of a person and a telephone number where that person can be reached or where messages for that person may be left, to act as a liaison between the Town and the Applicant. The identity of the party and the telephone number may be changed from time to time by notice to the Town Planner. If different individuals should be contacted regarding different aspects of operations within the area of the Special Development District, multiple contact people should be designated as necessary. This information shall also be provided to any adjoining property owner requesting same.

C. Solid Waste-Operational Condition

- 1. Solid waste collection shall be the responsibility of the property owner.
- 2. Solid waste collection within the Special Development District shall be permitted between 8:00 a.m. and 6:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on Saturdays. Waste collection shall not be permitted on Sundays, except in emergency situations.
- 3. On-site solid waste containers including recyclable containers shall be maintained and operated in a neat and orderly manner. No storage of waste materials, cardboard, wood pallets, etc., shall be permitted outside of the approved refuse enclosures.

D. Special Site Use or Operational Requirements

1. Snow Removal

The maintenance plan referred to in Condition D(3) shall contain provisions dealing with snow removal. Specifically, the snow removal plan shall call for the removal from required off-street parking areas, and fire lanes of all snow deposits greater than four (4) inches in depth. Accumulated snow shall be stored on-site in a designated snow storage area where such storage will not encroach into or damage required landscaped areas or parking spaces.

2. Property Maintenance-Sweeping

Motorized sweeping equipment may be used only between 8:00 a.m. and 6:00 p.m. on Mondays through Fridays and between 9:00 a.m. and 5:00 p.m. on Saturdays. Motorized sweeping equipment shall not be permitted on Sundays.

3. Maintenance Plan

The Applicant shall, prior to the filing of the Special Development District on the Land Records, submit for review and approval by the Town Manager or his designee, a yearly maintenance plan for the Special Development District. Said plan shall designate the individuals responsible for establishing maintenance objectives and an ongoing schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all required installation and maintenance activities with respect to plantings, landscaping and screening; access driveways, parking area; curbing, sidewalks and berms; lighting; signage, storage, refuse and litter control; building exteriors and other site amenities proposed in the plans.

4. Landscaping and Fencing

Applicant will maintain all landscaped areas including mowing, weeding and brush removal and be responsible for replacement of plantings where necessary.

5. Site Lighting

All outdoor lighting shall be down-shielded and consistent with the locations and specifications outlined on the plans.

6. Stormwater Maintenance Plan

a. The Applicant shall, prior to the filing of the Special Development District on the Land Records, submit for review and approval by the Town Engineer and Town Planner, a yearly maintenance plan for the storm water infrastructure on-site. Said plan shall be consistent with the inspection and maintenance notes outlined on the plans.

b. Before issuance of a building permit, the Applicant shall submit for review and approval to the Town Planner and Town Engineer, in consultation with the Office of Corporation Counsel, evidence of reserve funds in an amount not to exceed 2% of the estimated cost of the drainage-related project site work and improvements to ensure continual maintenance of all on-site drainage structures and related drainage detention facilities installed as part of this project approval.

c. The Applicant shall indemnify and hold harmless the Town of West Hartford on behalf of itself and its successors and assigns against any claim for damages by downstream owners resulting from flooding or siltation attributed to watershed diversion, watercourse alterations or drainage connections made as a result of Town approval of this project.

7. Future Development Phases

a. Drainage calculations for each of phases 2, 3, and 4 of the development shall be prepared by a Connecticut Licensed Professional Engineer and submitted to the Engineering Division for review and approval prior to construction of those phases.

b. Prior to the construction of the redevelopment phase 3, a design of detention area 3P shall be prepared by a Connecticut Licensed Professional Engineer and submitted to the Engineering Division for review and approval.

c. For future redevelopment phases affecting the northerly and southerly slopes, geotechnical analyses and a retaining wall design shall be prepared by a Connecticut Licensed Professional Engineer and submitted to the Engineering Division for review and approval.

d. Due to the phased nature of the proposed development, it is anticipated that minor adjustments to the site preparation, site access, site layout and site grading and drainages plans may be necessary. Any such adjustments shall be subject to the review and approval of the Town Planner, in consultation with the Town Engineer provided that the limitations in the underlying zone are not exceeded.

8. Construction

a. During construction, all personal vehicles of the contractors, subcontractors and material suppliers serving the site shall be parked on the site. Construction related parking on Starkel Road is strictly prohibited, unless such parking is necessary for construction work activities.

b. The developer shall ensure that construction activities comply with the noise ordinances of the Town of West Hartford (West Hartford Code of Ordinances) in all respects. It is specifically noted that West Hartford Code of Ordinances §123-2M only exempts construction activity from the provisions of the Town's noise limits "between the hours of 7:00 a.m. to one hour after sundown, Monday through Saturday."

9. Bonds and Performance Guarantees

a. Before the issuance of a building permit, the Applicant shall file a 100% performance bond or other acceptable assurance of performance in the amount of the estimated cost of the site infrastructure improvements, including but not limited to, private drainage retention facilities, soil and erosion control and other hardscape site improvements, including off-site improvements required by Subsection E herein, but excluding architectural elements, contained in the Special Development District plans to ensure completion of the project as proposed to the Town in the official Special Development District record documents, drawings and exhibits. No building permit shall be issued until this requirement is satisfied. This bond or other assurance shall remain in full force and effect until all required improvements are completed and installed. Said bond or other assurance shall be delivered to the Town of West Hartford prior to the commencement of any site work. The Town Planner, in consultation with the Town Engineer, may approve a reasonable number of partial releases as portions of the project are completed. Decisions related to such releases shall be based on standard planning and engineering policies and practices in relation to such releases in similar large-scale projects. Note: As this project is to be completed in phases, the bond or other surety described in this section may be tendered in an amount based upon the work to be performed in the phase for which building permits are being sought. If multiple phases are under construction at one time, a single bond or other form of surety may be provided to encompass all the work or the applicant may elect to provide separate bonds.

b. Before filing any bond or other assurance with the Town as provided above, the Applicant shall submit to the Town Engineer, for his approval, a cost estimate for all required improvements to be covered by said bond, prepared by a Connecticut Licensed Professional Engineer. The cost estimate shall be based on unit costs established by the Town Engineer. Together with the filing of said bond with the Agency, the Applicant shall submit two (2) copies of the approved estimate as approved by the Town Engineer.

E. Off-Site Improvements

Applicant shall construct the following off-site traffic improvements, as proposed by the Applicant in the approved plans, subject to the review and approval of the Town Engineer acting in consultation with the Town Manager and other Town staff: Eliminate the two existing Starkel Road crosswalks along the site frontage and install a new crosswalk with advanced pedestrian ahead signage and rectangular rapid flashing beacon in each direction at a new location just to the north of the southerly site driveway as proposed by the Applicant. The proposed crosswalk signage and rectangular rapid flashing beacon equipment shall be reviewed and approved by the Town Engineer prior to furnishing and installing. These

improvements shall be completed prior to the issuance of this first certificate of occupancy for any unit on the Applicant's site.

F. Utilities to be underground

New electrical, telephone, cable television and other utilities shall be placed underground. Applicant shall install street light conduit under the driveway as indicated on the approved plans to accommodate anticipated future street light projects by the Town.

G. Engineering Inspections, Certification and Final Approval of Improvements

The Applicant shall submit to the Town Planner, for review and approval by the Town Engineer, construction plans certifying that all improvements have been completed to the approved Special Development District plans. Such certification shall be made by a registered professional engineer.

H. Computer Media Information

All mapping and construction plans shall be prepared in electronic format using the Connecticut Geodetic System for inclusion into the Town's Geographical Information System.

I. Final Plan Review

Implicit in the Special Development District approval is the requirement that the record plans and exhibits establish the minimum standard of design and improvement for this project. As specific drawings for the project are prepared, refined and detailed, the filed Special Development District plans and exhibits shall serve to identify the major standards for the quality of design and improvements. It is expected that detailed site grading and development plans, architectural plans, landscape plans, erosion and sedimentation control plans and other project development details and plans may be prepared and approved under applicable Town ordinances and standards.

The Town Planner in cooperation with Town staff, including but not limited to the Fire Department and the Department of Community Development, shall coordinate the final review and approval of the project design to insure compatibility and consistency with the Special Development District Plans approved by the Town Council. No building permit shall be issued and construction shall not begin until all appropriate Town Departments have reviewed and approved the plans as submitted to the Town.

J. Final Plans

Final plan submissions and supporting documents shall address the Town Council conditions of approval.

K. Other Agency Approvals

The Town shall receive written acknowledgment of Applicant's confirmation of any required approvals from the following federal, state or local agencies and such other approvals as may be required.

L. Periodic Reporting

Applicant shall submit to the Town Planner, no less than annually, a report on the status of this redevelopment project, including the progress of the construction phases, the anticipated completion dates of the construction phases and such other information as may be reasonable and necessary to inform the Town Council about the progress of the project.

B. West Hartford Fellowship Housing has requested a waiver of the required fees pursuant to Section 177-50M. (1279)

APPROVED, 9-0

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams, Zoning Alternate Kate Farrar

Abstain: Councilor Davidoff

6. New Business

A. Ordinance Establishing a West Hartford Prevention Council. **(This agenda item will be the subject of a public hearing and may not be addressed during Public Forum pursuant to Town Council Rules.)**

SET FOR PUBLIC HEARING ON OCTOBER 7, 2019 AT 7:25 PM IN THE LEGISLATIVE CHAMBER

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

WHEREAS the Town of West Hartford is currently served by a West Hartford Substance Abuse Prevention Commission ("SAPC"); and

WHEREAS the SAPC is primarily focused on the problems of substance abuse; and

WHEREAS it is the desire of the Town Council to establish a West Hartford Prevention Council that will more fully serve the substance abuse and mental health needs of the residents of the Town

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT Article XX of Chapter 5 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

[Article XX

Substance Abuse Prevention Commission

§ 5-98 Establishment; purpose.

A permanent Substance Abuse Prevention Commission is hereby established for the purpose of advising the Town Council on ways that it may help address the problems of substance abuse in the entire West Hartford population.

§ 5-99 Membership; terms.

The Commission shall be appointed by the Town Council. One member shall be appointed to represent each of the following: school parent-teacher organizations, the Bridge Family Center and Hope Works.

Additionally, a school counselor shall be appointed to represent each of the public and private high schools and middle schools within West Hartford, and a student shall be appointed to represent each of

the public and private high schools within West Hartford. One or more members shall be professionals in substance abuse counseling. At least seven members shall be electors of the Town of West Hartford.

The

terms of the above-designated members shall be three years, but will be staggered so that the terms of 1/3 of the appointed members of the Commission will expire annually on August 31. The Mayor, the Chair of

the West Hartford Board of Education, the Town Manager, the Superintendent of Schools, the Director of Human Services, the Public and Private School Substance Abuse Coordinator and the Chief of Police or their designees shall serve as nonvoting, ex officio members of the Commission.

§ 5-100 Recommendations.

The Commission shall make annual recommendations to the Town Council in January of each year.]

(NEW)ARTICLE XX

West Hartford Prevention Council

(NEW)§ 5-98. Establishment; purpose; duties and responsibilities.

A. There is hereby established a West Hartford Prevention Council.

B. The purpose of the West Hartford Prevention Council shall be to facilitate activities or make recommendations regarding possible activities to the Town Council, Town Manager or the Director of Social Services, which increase public awareness of substance abuse and prevention initiatives or which promote mental health in the context of overall health and wellness.

C. The West Hartford Prevention Council shall provide a written report to the Town Council in January of each year apprising the Town Council of its activities, progress and recommendations for future activity related to its stated purpose.

(NEW)§ 5-99. Membership; terms; compensation; assistance.

A. The West Hartford Prevention Council shall consist of nine (9) voting and two (2) nonvoting members appointed by the Town Council, and seven (7) nonvoting ex-officio members who serve by virtue of their elected office or Town employment.

B. The appointed voting members, no fewer than five (5) of whom shall be electors of the Town, shall be determined as follows:

(1) One (1) person who is an active member of a Parent Teacher Organization or Parent Teacher Association affiliated with a public school located in the Town;

(2) One (1) person from the Youth Service Bureau;

(3) Two (2) school counselors from either a public or private school located in the Town at the high school level or middle school level;

(4) Three (3) professionals licensed in the State of Connecticut who provide services to individuals on the issues of substance abuse or mental health, including guidance regarding prevention, intervention, treatment or recovery;

(5) Two (2) residents who have an interest or expertise in substance abuse or mental health issues.

C. The appointed nonvoting members shall be two (2) students currently attending either a public or private high school located in the Town. The term of a student member shall be coterminous with the school year.

D. The ex-officio members shall include the following: The Mayor of West Hartford, the Chair of the Board of Education, the Town Manager, the Superintendent of Schools, the Director of Social Services, the Chief of Police and the Chair of the West Hartford-Bloomfield Health District, or their designee(s), shall serve as ex-officio members without a vote. The term of an ex-officio member shall be coterminous with his or her office or position.

E. At the time of first appointment of the voting members, three members shall be appointed to serve on the West Hartford Prevention Council until December 31, 2020, three members shall be appointed to

serve on the West Hartford Prevention Council until December 31, 2021 and three members shall be appointed to serve on the West Hartford Prevention Council until December 31, 2022 Upon the expiration of these initial terms, each subsequent appointment shall be for a term of three years, commencing on the first day of January.

F. The members of the West Hartford Prevention Council shall serve without compensation.

(New)§ 5-100. Election of Officers; assistance.

A. At the first meeting of the West Hartford Prevention Council, and annually thereafter, the West Hartford Prevention Council shall elect from its own members a Chair and a Secretary.

B. The Town Manager shall designate one or more representatives from the Town administration to serve as liaison with the West Hartford Prevention Council for the purposes of coordination.

(Proposed additions are underlined; proposed deletions are in brackets.)

B. Ordinance Adopting a Revision and Recodification of the Code of the Town of West Hartford, Connecticut, Providing for Code Amendments, and the Repeal of Certain Obsolete and Conflicting Ordinances.

(This agenda item will be the subject of a public hearing and may not be addressed during Public Forum pursuant to Town Council Rules)

SET FOR PUBLIC HEARING ON OCTOBER 7, 2019 AT 7:15 PM IN THE LEGISLATIVE CHAMBER

([Click here](#) for a copy of the proposed Ordinance)

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

C. Ordinance Amending Parking Restrictions.

(This agenda item will be the subject of a public hearing and may not be addressed during Public Forum pursuant to Town Council Rules)

SET FOR PUBLIC HEARING ON OCTOBER 7, 2019, AT 7:00 PM IN THE LEGISLATIVE CHAMBER

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

WHEREAS, West Hartford has vibrant commercial districts which abut residential neighborhoods; and

WHEREAS, There is interest in protecting said neighborhoods from noise and other unpleasant activity that may be associated with late night parking; and

WHEREAS, prohibiting parking at an earlier hour on certain designated residential streets may encourage late night business patrons to park in off-street locations within commercial districts.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

Section 168-13 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

§ 168-13 Specific acts and penalties.

The following shall be considered violations and penalties for improper parking and, as such, are prohibited acts:

A. Specific acts and penalty.

(1) The following are prohibited acts:

(a) Failure to deposit a coin in any parking meter; any car parked at a parking meter in which the time has expired; or parking over the legal time at any parking meter by inserting an additional coin to extend the legal parking time.

(b) Parking on any street at any time between 2:00 a.m. and 5:00 a.m.

(c) Parking on any street at any time between 11:00 p.m. and 5:00 a.m. provided that such street has been designated by the Town Manager as one upon which parking is prohibited between these hours and further provided that signage is installed on each such street that clearly informs the public of the hours during which parking is prohibited.

(d) The West Hartford Police Department is hereby empowered to establish a procedure by which case-by-case exemptions from the provisions of subparagraphs (b) and (c) of this subsection may be granted for periods of up to three (3) days in duration. Such exemptions may be granted to the owners or occupants of properties whose off-street parking becomes unavailable to them or their guests as a result of unavoidable circumstances.

(2) The penalty for any violation of this subsection shall be \$16.

(Deleted language bracketed. New language underlined)

D. Resolution Authorizing Suspense of Taxes Owed on the 2015 Grand List for Motor Vehicles and Personal Property.

ADOPTED, 9-0

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

WHEREAS, Connecticut General Statutes Section 12-165 requires that each municipality have a suspense tax book and deliver to the Town Council a statement giving by rate bill: (1) the amount of each uncollectible personal property; (2) the name and address of the person against whom each such tax was levied; and (3) the reason why such collector believes each such tax is uncollectible.

WHEREAS, \$164,070.94 in taxes are due the Town of West Hartford for motor vehicles on the 2015 Grand List;

WHEREAS, \$32,653.46 in taxes are due the Town of West Hartford for motor vehicles on the Supplemental 2015 Grand List;

WHEREAS, \$52,814.79 in taxes are due the Town of West Hartford for personal property on the 2015 Grand List;

WHEREAS, the name and address of the person against whom the Town of West Hartford levied each such tax is included in the attached Delinquent Report as of 6/30/19 for Tax Year 2015;

WHEREAS, the Town of West Hartford considers these taxes uncollectible due to the age of the delinquencies and unsuccessful attempts to collect these taxes over the past three years;

WHEREAS, I, Helene J. Lefkowitz, Revenue Collector, certify that, to the best of my knowledge and belief, each tax contained in the attached lists is unpaid and is uncollectible.

NOW THEREFORE, be it resolved that the Town Council agrees that the collector shall transfer each uncollectible tax to the suspense tax book; provided, however, that nothing herein shall be construed as an abatement of any tax so transferred, but any such tax, as it has been increased by interest or penalty, fees and charges may be collected by the Revenue Collector.

7. Reports of Town Manager- Town Manager Matthew W. Hart presented his report to the Council.

8. Announcements- Upcoming events were reported by Mayor Cantor.

9. Reports of Corporation Counsel- **NONE**

10. Appointments- **NONE**

11. Reports of Standing or Special Committees

A. From Town Plan & Zoning- RECENT PLANNING ACTION- 637 New Park Avenue; 204 Fern Street & 1563 Asylum Avenue; 170 Kingswood Road; 141 North Main Street; 1678 Asylum Avenue. (780)

RECEIVED

B. From Inland Wetland Watercourse Agency - RECENT PLANNING ACTION- Spicebush Swamp Park; 1678 Asylum Avenue; 473 & 477 Mountain Road. (780)

RECEIVED

12. Communications - **NONE**

13. Consent Calendar

ADOPTED

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

14. Petitions- **NONE**

15. Executive Session- **NONE**

16. Adjournment at **8:10 pm**

Motion by Mayor Cantor, second by Deputy Mayor Kerrigan.

Motion by Deputy Mayor Kerrigan, second by Councilor Sweeney.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams



Essie S. Labrot
Town Clerk/Council Clerk

APPROVED AT OCTOBER 7, 2019 TOWN COUNCIL MEETING